

### **REMARKS**

Currently, claims 1-8, 12, 17, 18, 21-31, 35, 36, 41-53, 55-60, 62, and 63 remain pending in the present application, including independent claims 1, 29, and 47. As shown above, independent claims 29 and 47 have been amended.

In the Office Action, independent claims 1, 29, and 47 were rejected under 35 U.S.C. § 103(a) as being obvious over WO 93/02610 in view of EP 1,212,974. WO '610 is directed to a disposable wash cloth comprising a first exposed absorbing layer, a second disinfectant layer, and a third layer. The second layer is hermetically enclosed between two attached plastic sheets. The third layer may also be hermetically enclosed between two attached plastic sheets. See *Abstract*. The Office Action admits that WO '610 differs from the claimed invention because it does not teach an abrasive layer. More specifically, WO '610 fails to teach (1) a plurality of abrasive structures each comprising an abrasive layer and an absorbent layer (or a fibrous cellulosic web), (2) the abrasive structures being configured in an arrangement such that the abrasive layers, and (3) the absorbent layers alternate, as required by independent claim 1, 29, and 47 of the present application.

In order to overcome the deficiencies of WO '610, the Office Action attempts to combine the teachings of EP '974. However, EP '974 fails to cure the deficiencies of WO '610 with respect to the present claims. EP '974 discloses a number of arrangements of scrubbing substrates and cleaning substrates including the following:

1. only one cleaning substrate and only one scrubbing substrate  
packed in a layered fashion, preferably back to back
2. two or more cleaning substrates packed in a layered fashion, and  
only one scrubbing surface attached to one side of one of the  
cleaning substrates
3. two or more scrubbing substrates packed side by side such that  
both scrubbing substrates are in contact with a single cleaning  
substrate
4. two or more scrubbing substrates arranged one on top of the other  
in a layered fashion, only one of the scrubbing substrates in contact  
with the cleaning substrate

However, none of these arrangements discloses a plurality of abrasive structures comprising an abrasive layer and an absorbent layer in a stacked arrangement such that the abrasive layers and the absorbent layers alternate. Although the second and fourth embodiments teach a layered arrangement of the cleaning and scrubbing substrates, both arrangements teach that substrates of the same type (either both cleaning or both scrubbing) are layered directly next to one another. See *paragraph 25*. Nowhere does EP '974 disclose or suggest an alternating arrangement of the cleaning and scrubbing substrates as required by the independent claims of the present application.

Since both WO '610 and EP '974 fail to disclose or suggest each element of independent claims 1, 29, and 47, Applicants submit that the present claims patentably define over the prior art.

Additionally, the combination of the disclosures of WO '610 and EP '974 would not yield the present invention as required by independent claims 1, 29, and 47. For example, WO '610 discloses a stacked arrangement of a first absorbent layer, a second disinfectant layer, and a third layer, requiring a plastic sheet between the interface of these layers. Although the layers alternate with plastic sheets, the plastic sheets can neither be used as an abrasive layer nor as an absorbent layer. As discussed above, EP '974 discloses four arrangements of cleaning and scrubbing substrates. To combine the four embodiments of EP '974 with WO '610 would require each layer to be separated from the subsequent layer by a plastic sheet.

This combined design automatically precludes the first and third embodiments of EP '974 since they are not comprised of multiple layers of the cleaning or scrubbing substrate.

A combination of the teachings of WO '610 with the second embodiment described in EP '974 (having two or more cleaning substrates layered back to back and then attached to one scrubbing substrate) would require inserting a plastic sheet between each of the absorbent layers (the cleaning substrate), while leaving the lone scrubbing substrate attached to the outer cleaning substrate. Thus, while the plastic sheet (which is not useful as an abrasive layer) of WO '610 alternates with the absorbent cleaning substrate of EP '974, this combination would not lead to a substrate having alternating abrasive and absorbent layers, such as required by the independent claims. Additionally, this

combination does not lead to a plurality of scrubbing layers on the product, as required by the independent claims.

Likewise, a combination of the fourth embodiment of EP '974 (one cleaning substrate attached to two or more scrubbing substrates that are layered on top of one another) with WO '610 would not lead to the structure of independent claims 1, 29, and 47. A combination of the teachings of WO '610 with this embodiment of EP '974 would result in the insertion of a plastic sheet between each of the scrubbing layers, while leaving the lone cleaning substrate (absorbent layer) attached to one side of the substrate. Thus, while the plastic sheet (which is not useful as an absorbent layer) of WO '610 alternates with the scrubbing substrate of EP '974, this combination would not lead to a substrate having alternating abrasive and absorbent layers, such as required by the independent claims. Additionally, this combination does not lead to a plurality of absorbent layers on the product, as required by independent claims 1, 29, and 47.

Applicants respectfully assert that combining EP '974 with WO '610 simply does not teach alternating layers comprising an abrasive and absorbent layer as defined in the independent claims of the present application.

Furthermore, there is no suggestion to combine the teachings and suggestions of WO '610 and EP '974 as advanced by the Examiner, except from using Applicants' invention as a template through a hindsight reconstruction of Applicants' claims, which cannot be successfully used to support a *prima facie* case of obviousness. As previously discussed, primary reference WO '610

discloses a first absorbing layer, a second disinfectant layer, and a third layer, each layer being interspersed with a plastic sheet. Each of the layers disclosed in WO '610 fulfills a different cleaning purpose, necessitating the plastic sheets to separate the three layers and maintain sterility of each individual layer.

According to the disclosure of WO '610, a layer of the disposable wash cloth is used for a specific cleaning purpose and then removed from the wash cloth and discarded before the subsequent layer is used for a different cleaning purpose. The dishwashing wipe disclosed in EP '974 comprises layers of scrubbing and cleaning substrates; however, these layers are attached without any sort of sterility barriers. Furthermore, the different cleaning layers of EP '974 are not releasably attached. As such, the general structure of the dishwashing wipe of EP '974 indicates that there is no need for the different cleaning layers to be used apart from each other. While WO '610 requires strict sterility between the cleaning layers, EP '974 fails to even suggest the usefulness of maintaining sterility or isolation between layers. In addition, none of the references cited in the Office Action discloses or suggests a plurality of abrasive structures comprising an abrasive layer and an absorbent layer, arranging abrasive structures such that the abrasive layers and the absorbent layers alternate. Only the Applicants' disclosure suggests any motivation to create a scrubbing product comprising alternating abrasive and absorbent layers.

Finally, the Office Action states that "official notice is taken that it is well known in the art to wrap plies of cleaning sheets in roll form, for example as in rolls of paper towels, baby wipes, etc." in rejecting independent claim 29. While

Applicants agree that products of paper towels, toilet tissue, etc. are commonly rolled for packaging, storage, and dispensing purposes, Applicants traverse this conclusion by the Examiner. Applicants assert that it is not known in the art, and that none of the cited references discloses, a scrubbing product having a plurality of scrubbing layers wrapped around the substrate with each of the scrubbing layers comprising an abrasive structure including an abrasive layer adhered to a fibrous cellulosic web. The Examiner is apparently confusing a plurality of tissue webs wrapped around a core with a single scrubbing product have multiple layers. In contrast to a roll of paper towels, for example, the scrubbing product of claim 29 is utilized as a whole – as a single product for cleaning. Then, when the outside layer of the scrubbing product is soiled, it can be sequentially removed from the scrubbing product thereby exposing an unused scrubbing layer lying below the removed layer. As such, the claimed scrubbing product is not equivalent to the known rolls of paper towels, etc.

For at least the reasons above, Applicants submit that the claims of the present application patentably define over the prior art. As such, Applicants respectfully request the withdrawal of the § 103(a) rejections of independent claims 1, 29, and 47 and all claims dependent thereupon.

The Office Action also provisionally rejected the claims of the present application under the judicially created doctrine of obvious type double patenting separately in view of 5 applications: 10/745,327; 10/733,162; 10/321,831;


10/321,277;<sup>1</sup> and 10/036,736. Without commenting on the propriety of these rejections, Applicants are submitting perfected terminal disclaimers for each application to obviate these rejections.

Applicants respectfully request reconsideration and allowance in view of the above. Should Examiner Cole have any further questions or concerns, she is invited and encouraged to contact the undersigned at her convenience.

Please charge any additional fees or deficiencies to Deposit Account Number 04-1403.

Respectfully submitted,  
DORITY & MANNING, P.A.

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<sup>1</sup> Applicants note that the Office Action again provisionally rejected the presently pending claims in view of application serial no. 10/322,277. Applicants assume that this rejection should have been in view of application serial no. 10/321,277, as clarified by Examiner Cole previously.